

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

INCOME TAX APPLICATION No 140 of 1998

For Approval and Signature:

Hon'ble MR.JUSTICE C.K.THAKKER and
MR.JUSTICE M.C.PATEL

- =====
1. Whether Reporters of Local Papers may be allowed to see the judgements?
 2. To be referred to the Reporter or not?
 3. Whether Their Lordships wish to see the fair copy of the judgement?
 4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the Civil Judge?

PRAFUL SILK FACTORY

Versus

COMMISSIONER OF INCOME TAX

Appearance:

MR JP SHAH for Petitioner

MR MANISH R BHATT for Respondent No. 1

CORAM : MR.JUSTICE C.K.THAKKER and
MR.JUSTICE M.C.PATEL

Date of decision: 20/07/98

ORAL JUDGEMENT (per C.K.THAKKER J.)

We have heard the parties.

In our opinion, the following question of law arises out of the order passed by the Tribunal.

"Whether, on the facts and in the circumstances

of the case, the Tribunal was right in law in
upholding the penalty u/s 273 (2) (aa) ?

The application is, therefore, allowed. The
Tribunal is directed to furnish statement of case in
respect of the aforesaid question under Section 256(2) of
the Income Tax Act, 1961 expeditiously.

Rule is made absolute with no order as to costs.

Dt. 20.7.1998. (C.K.THAKKER J.)

(M.C.PATEL J.)
